

Translation of the pertinent portions of a Written Notification, mailed 10/05/2004

1. This is the first written notification from the office charged with the international preliminary examination.

2. This notification contains information regarding the following items:

- I Basis of the Report
- III No Preparation of an Expert Opinion Regarding Novelty, Inventive Activities and Commercial Applicability

Attachment

I Basis of the Report

1. Regarding the contents of the international application:

Specification, pages

1 to 18 in the originally filed version

Claims, Nos.

1 to 48 in the originally filed version

Drawings, sheets

1/2 to 2/2 in the originally filed version

III No Preparation of an Expert Opinion Regarding Novelty, Inventive Activities and Commercial Applicability

1. Claims 1, 2, 40, 41 have not been and will not be examined as to whether the claimed invention is to be considered as novel, based on inventive activities (non-obvious) and commercially usable.

Justification:

X The above mentioned claims 1, 2, 40, 41 are insufficiently supported by the specification to such a degree that no meaningful expert opinion could be prepared.

SHEET ATTACHED TO THE WRITTEN NOTIFICATION

Re.: Item III

A clear statement regarding novelty and inventive activities of claims 1, 2, 40 and 41 is not possible because they cannot be unequivocally interpreted because of a lack of clarity or a lack of support in the specification (Article 6 PCT).

Claims 1 and 2 contain literally that:

"the duration of the period within which the dampening agent is delivered, ... is set in comparison with the duration of the revolution of the cylinder (claim 1), or as a function of the diameter of the cylinder (claim 2) in such a way that the duration of the period ... corresponds to the duration of the revolution of the cylinder ... at the earliest starting with three times the duration of the revolution of the cylinder."

Accordingly, after three revolutions of the cylinder the duration of the period would be equal to the duration of the revolution.

Furthermore, "the duration of the period within which the dampening agent is delivered" can be considered to be the pure spraying time (T_{on}).

However, this is not supported by the specification in that (see page 5, last paragraph) it is the object of the present invention to prevent the repeated overlay of dampening agent at the same place of the circumference of the cylinder. It clearly follows from the specification (page 9, last paragraph) that this can be achieved in that the dampening agent is again applied at the same location of the cylinder in its full dosage only starting at a defined number (whole number > 2) of revolutions of the cylinder.

Furthermore, "duration of the period" is understood to be the spraying cycle (see page 15, line 4), which is composed of the duration of delivery (T_{on}) and the off-time (T_{off}) (see page 13, start of the third paragraph).

In addition, claims 40 and 41 also lack support by the specification (Article 6 PCT) in that the expression "a defined number" (see the penultimate line of each of claims 40 and 41) permits a number which ≤ 1 and therefore contradicts the teaching of the specification.

Amended claims 1, 2, 40 and 41, which are in agreement with the specification, would apparently be novel and inventive over the present prior art.